

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 3:07cr433-HEH
	)	
DANNY DAMON SMITH,	)	
	)	
Petitioner.	)	

**ORDER**

**(Accepting Report and Recommendation and Denying 28 U.S.C. § 2255 Motion)**


In accordance with the accompanying Memorandum Opinion, it is hereby ORDERED that Petitioner's Motion for Leave and Extension of Time To File Supplement Pleading by Permission of Court (Dk. No. 122) is DENIED; Petitioner's objections to the Report and Recommendation are OVERRULED; the Report and Recommendation (Dk. No. 128) is ACCEPTED AND ADOPTED; the motion under 28 U.S.C. § 2255 (Dk. No. 98) is DENIED; the action is DISMISSED with prejudice; and, a certificate of appealability is DENIED.

Smith may appeal the decision of the Court. Should he wish to appeal, a written notice of appeal must be filed within sixty (60) days of the date of entry hereof. Failure to file a timely notice of appeal may result in the loss of the ability to appeal.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion and Order to Smith and counsel for the United States.

It is SO ORDERED.

Date: Oct. 1, 2012  
Richmond, Virginia

  
\_\_\_\_\_/s/  
HENRY E. HUDSON  
UNITED STATES DISTRICT JUDGE